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Attorneys for Plaintiff LMT Mercer Group, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

LMT MERCER GROUP, INC.,

Plaintiff,

v.

MAINE ORNAMENTAL, LLC,
UNIVERSAL CONSUMER PRODUCTS,
INC., and UNIVERSAL FOREST
PRODUCTS, INC.,

Defendants.

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)
) C.A. No.
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)

**COMPLAINT FOR PATENT
INFRINGEMENT**

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) **(Jury Trial Demanded)**
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Plaintiff LMT Mercer Group, Inc. for its complaint against Defendants Maine Ornamental, LLC, Universal Consumer Products, Inc., and Universal Forest Products, Inc. (collectively, "Defendants") through its undersigned counsel hereby alleges as follows:

NATURE OF THIS ACTION

1. This is an action arising under the patent laws of the United States, Title 35 United States Code, 35 U.S.C. §§ 271 and 281 for infringement by Defendants of U.S. Patent No. 6,722,637 ("the '637 patent"), owned by LMT Mercer Group, Inc.

THE PARTIES

2. LMT Mercer Group, Inc. (“LMT”) is a New Jersey corporation with its principal place of business at 690 Puritan Avenue, Lawrenceville, New Jersey 08648.

3. On information and belief, Maine Ornamental, LLC is a Michigan limited liability company with its principal place of business at 2801 East Beltline Ave. NE, Grand Rapids, MI 49525.

4. On information and belief, Universal Consumer Products, Inc. is a Michigan corporation with its principal place of business at 2801 East Beltline Ave. NE, Grand Rapids, MI 49525.

5. On information and belief, Universal Forest Products, Inc. is a Michigan corporation with its principal place of business at 2801 East Beltline Ave. NE, Grand Rapids, MI 49525.

JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1332, and 1338.

7. The exercise of personal jurisdiction in New Jersey is proper because acts giving rise to LMT’s cause of action have occurred in the State of New Jersey. More specifically, Defendants market, promote, advertise, offer for sale, sell and/or distribute products covered by one or more claims of the ’637 patent to customers including wholesalers, retailers, chains, and/or others throughout the United States, including in the District of New Jersey. Defendants have purposefully and voluntarily placed their infringing products into the stream of commerce with the expectation that the products will be purchased by consumers in the District of New Jersey.

8. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b), (c), and 1400(b).

THE PATENTS IN SUIT

9. U.S. Patent No. 6,722,637 entitled “Fence Post Accessory Apparatus,” issued on April 20, 2004, to Stallion Fence Accessories as assignee of the inventors Michael G. Burkart and Jeffrey G. Herion, now owned through assignment by LMT. A true and correct copy of the ’637 patent is attached to this Complaint as Exhibit 1.

10. The ’637 patent was duly issued and is owned by LMT. LMT has the full legal right to sue, enforce, and recover damages for all infringements of the ’637 patent.

FIRST CLAIM FOR RELIEF

Infringement of United States Patent No. 6,722,637

11. LMT re-alleges and incorporates by reference the allegations contained in Paragraphs 1 through 10 above.

12. Defendants have infringed and continue to infringe, directly and indirectly, the ’637 patent either literally or under the doctrine of equivalents by making, using, offering for sale, or selling in the United States or importing into the United States products covered by one or more claims of the ’637 patent, including but not limited to the products marketed under the name Solar Post Cap Light.

13. Upon information and belief, Defendants’ infringement has taken place with full knowledge of the ’637 patent and has been intentional, deliberate, and willful.

14. Upon information and belief, Defendants will continue to infringe the ’637 patent unless and until Defendants are enjoined by this Court.

15. LMT has suffered damages and irreparable harm as a result of Defendants' infringement of the '637 patent and will continue to be damaged unless Defendants are enjoined from future infringing activities.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff LMT prays that this Court:

A. Enter a judgment that Defendants, individually or jointly, have infringed the '637 patent;

B. Grant a permanent injunction restraining and enjoining Defendants, its officers, directors, agents, servants, employees, successors, assigns, parents, subsidiaries, affiliated or related companies, and all others in active concert or participation with the foregoing from infringing, inducing others to infringe, and contributing to the infringement of the '637 patent;

C. Award LMT damages in an amount sufficient to compensate LMT for Defendants' infringement of the '637 patent, but not less than a reasonable royalty;

D. Award pre- and post-judgment interest to LMT pursuant to 35 U.S.C. § 284;

E. Award increased damages, pursuant to 35 U.S.C. § 284, in an amount not less than three times the amount of actual damages awarded to LMT, by reason of Defendants' willful infringement of the '637 patent;

F. Declare this case exceptional under 35 U.S.C. § 285 and award LMT its reasonable attorneys' fees, expenses, and costs incurred in this action; and

G. Grant LMT such other and further relief as this Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial on all issues.

Respectfully submitted,

Dated: September 9, 2010

By: s/ Jonathan R. Lagarenne
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Attorneys for Plaintiff LMT Mercer Group, Inc.

CERTIFICATION PURSUANT TO LOCAL CIVIL, RULE 11.2

I, Jonathan R. Lagarenne, hereby certify that, to the best of my knowledge, the matter in controversy is not the subject of any other action pending in any court or of any pending arbitration or administrative proceeding.

Dated: September 9, 2010

By: s/ Jonathan R. Lagarenne
Jonathan R. Lagarenne

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